

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**BELINDA M. BROOKS,**

**CASE NO. 3:11CV 01455**

Plaintiff,

**JUDGE DAVID A. KATZ**

**vs.**

**ORDER**

**LEHMAN BROTHERS BANK, *et al.*,**

Defendants.

Defendants Lehman Brothers Bank, Mortgage Electronic Registration Systems and Aurora Loan Services LLC have filed a Motion to Dismiss Plaintiff's Complaint pursuant to Fed.R.Civ.P. 12(b)(6). Plaintiffs have responded with a Response, a Motion to Strike Certain Legal Conclusions contained in Defendants Motion to Dismiss, and a second Motion to Take Judicial Notice of Plaintiff Exhibits. Among the exhibits included in this last motion is an excerpt from a Trust Agreement and a Mortgage Loan Sale and Assignment Agreement involving the securitization of mortgages with a cumulative value of over 1.3 billion dollars. Plaintiff has requested that these two motions be considered along with its Response to the Motion to Dismiss. All of these motions and responses are being considered together because they do share a core of common facts.

After careful review, the Court finds that five legal conclusions contained in Defendants' Motion to Dismiss are not credible, and are hereby ordered to be stricken from this Record. Accordingly, the five legal conclusions set forth in this Motion, along with all inferences that could have been drawn from these legal conclusions, are hereby ordered stricken from Defendants' Motion to Dismiss.

IT IS SO ORDERED.

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Judge

Respectfully submitted by:

/s/ Norman L. Sirak

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Norman L. Sirak